

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**LARRY TREASTER, et ux.,
APPELLANTS
vs.**

**STEVE BETTS, et al.,
RESPONDENTS**

DOCKET NUMBER WD69794

DATE: SEPTEMBER 29, 2009

Appeal from:

Buchanan County Circuit Court
The Honorable Weldon C. Judah, Judge

Appellate Judges:

Division Three: Thomas H. Newton, C.J., James E. Welsh and Karen King Mitchell, JJ.

Attorneys:

Patrick C. Berrigan, for Appellant

R. Todd Ehlert, for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**LARRY TREASTER, ET UX., Appellants, v.
STEVE BETTS, ET AL., Respondents**

WD69794

Buchanan County

Before Division Three Judges: Newton, C.J., Welsh, and Mitchell, JJ.

Larry Treaster, and his wife, Sheryl Treaster, appeal the circuit court's judgment dismissing their petition for damages seeking compensatory and punitive damages due to injuries sustained by Larry Treaster and loss of consortium by Sheryl Treaster. In their petition, the Treasters alleged that Larry Treaster was an employee of Mo-Kan Transit Concrete, Inc., and that he was injured by the negligent acts of the manager/owner of Mo-Kan Transit Concrete, Steve Betts; the manager/supervisor of Mo-Kan Transit Concrete, Alan Jenson; and unknown persons or entities, who the Treasters identified as "John and/or Jane Doe(s)." Betts and Jenson filed a motion to dismiss, asserting that the circuit court lacked subject matter jurisdiction over the Treasters' claims because the exclusive remedy was through Missouri's Workers' Compensation Law. The circuit court sustained Betts's and Jenson's motion and entered a judgment dismissing the Treasters' petition. The Treasters appeal.

DISMISSED.

Division Three holds:

Because the circuit court made no final disposition as to "John and/or Jane Doe(s)," the judgment did not dispose of all claims or rights and liabilities of all parties. The circuit court also did not make an express finding that "there is no just reason for delay." The judgment, therefore, is not final for the purposes of appeal. We, therefore, dismiss the Treasters' appeal.

Opinion by: James E. Welsh, J.

September 29, 2009

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